

DATE: August 29, 2014

TO: Alex Dambach, Division Chief  
Department of Planning and Zoning

FROM: Ann Horowitz, Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2014-0076  
Administrative Special Use Permit for New Use  
Site Use: Restaurant  
Business Name: Sugar Shack and The Speakeasy  
Applicant: Orange Dough, LLC  
Location: 804 North Henry Street  
(parcel address: 1125 Madison Street)  
Zone: CRMU/H Commercial Residential Mixed Use High

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### **Request**

Special Use Permit #2014-0022 is a request for the operation of two new restaurant concepts—both owned and operated by the applicant—in the Belle Pre building within one 2,122 square foot tenant space at 804 North Henry Street. Up to 65 seats would be included in the combined business space. One of the restaurants, Sugar Shack, would be open from 6 a.m. to 9 p.m. while The Speakeasy would operate from 5 p.m. to 12 midnight. The Sugar Shack would serve specialty donuts and coffee; The Speakeasy restaurant would offer mixed drinks and light gourmet fare.

### **Background**

Although City Council approved DSUP#2007-0005 in January 2008 for construction of the subject building, development of the property was not pursued until after Equity Residential Development purchased the site and City Council approved DSUP#2010-0028 in February 2011. The DSUP reduced the retail square footage on the ground level of this mixed-use building, increased residential floor area and open space, and included a parking reduction. In April 2014, City Council approved SUP#2014-0014 for the Lost Dog Café located in Tenant Space #4 of the building, now known as the Belle Pre.

### **Community Outreach**

Public Notice was provided through eNews, via the City's website, and by posting a placard at the site. In addition, the West Old Town Civic Association, the Braddock Place Condominium Association, the Braddock Lofts Homeowners Association, the Braddock Place Townhome Association, and the Braddock Metro Citizens Coalition were notified. Staff has not received any comments from residents or adjacent businesses.

### **Parking**

The Belle Pre DSUP approved a parking requirement of 29 spaces for the four retail/commercial tenants in the below-grade parking garage. Up to 41 additional spaces may become available in

the adjacent residential visitor parking area if the property owner petitions the Director of Planning & Zoning to transfer the parking space to a retail/commercial use, as permitted in Condition 27A of the DSUP.

**Staff Action**

Staff supports the applicant's request. The opening of an additional retail/commercial use in the Belle Pre would reduce building vacancy, increase ground floor activity, and provide building tenants and nearby residents with easily accessible restaurant options.

The number of parking spaces should be sufficient to accommodate the restaurants since staff expects that many of the patrons will walk to the location. A number of multifamily residences—Braddock Lofts, the Monarch/Henry, the Asher, and the Belle Pre—and single family homes are located nearby in the Braddock Road neighborhood and are within walking distance of the proposed restaurants.

Several standard conditions have been included in this report to address employee training of SUP conditions, the handling of trash and garbage, litter removal, and mass transit. Conditions specific to the business operation specify hours of operation, alcohol service, loading zone restrictions, and live entertainment limitations.

Staff hereby approves the Special Use Permit request.

**ADMINISTRATIVE ACTION – DEPARTMENT OF PLANNING AND ZONING:**

Date: August 29, 2014  
Action: Approved

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Alex Dambach, Division Chief

Attachments: 1) Special Use Permit Conditions  
2) City Department Comments  
3) Statement of Consent

**CONDITIONS OF SPECIAL USE PERMIT #2014-0076**

The owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral by the Director to public hearing by the Planning Commission and City Council.

1. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z)
2. The maximum number of indoor seats at the restaurant shall be 65. No outside dining facilities shall be located on the premises. (P&Z)
3. The applicant shall post the hours of operation at the entrance to the business. (P&Z)
4. The hours of operation for the business shall be limited to 6 a.m. to 12 midnight, daily. Meals ordered before the 12 midnight may be served, but no new patrons may be admitted and no alcoholic beverages may be served after the 12 midnight, and all patrons must leave by 1 a.m. (P&Z)
5. On premises alcohol service shall be permitted but no off-premises alcohol sales shall be allowed. (P&Z)
6. No delivery service of food to customers shall be operated from the restaurant. (P&Z)
7. No live entertainment shall be allowed inside the restaurant. Poetry readings shall not be considered as live entertainment for the purposes of this condition. (P&Z)
8. No food, beverages, or other material shall be stored outside. (P&Z)
9. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z)
10. The applicant shall provide information about alternative forms of transportation to access the location of the use, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. (T&ES)
11. The applicant shall encourage its employees and customers to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (T&ES)
12. The applicant shall require its employees who drive to work to use off-street parking. (T&ES)

13. Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape or invasion by animals. No trash and debris shall be allowed to accumulate outside of those containers. Outdoor trash receptacles shall be screened to the satisfaction of the director. (T&ES)
14. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and picked up at least twice during the day and at the close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation. (T&ES)
15. The use must comply with the city's noise ordinance. No outdoor speakers shall be permitted. No amplified sound shall be audible at the property line. (T&ES)
16. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
17. The applicant shall control odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the department of transportation and environmental services. (T&ES)
18. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11 p.m. and 7 a.m. (T&ES)
19. No loading/unloading is permitted from North Henry Street. (T&ES)
20. The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

CITY DEPARTMENT COMMENTS

Legend: C – code requirement R – recommendation S – suggestion F – finding

Transportation & Environmental Services

- R-1 The applicant shall provide information about alternative forms of transportation to access the location of the use, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods.
- R-2 The applicant shall encourage its employees and customers to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities.
- R-3 The applicant shall require its employees who drive to work to use off-street parking.
- R-4 Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape or invasion by animals. No trash and debris shall be allowed to accumulate outside of those containers. Outdoor trash receptacles shall be screened to the satisfaction of the director.
- R-5 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and picked up at least twice during the day and at the close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation.
- R-6 The use must comply with the city's noise ordinance. No outdoor speakers shall be permitted. No amplified sound shall be audible at the property line.
- R-7 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.
- R-8 The applicant shall control odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the department of transportation and environmental services.
- R-9 Deliveries to the business are prohibited between 11:00 p.m. and 7:00 a.m.
- R-10 No loading/unloading is permitted from N. Henry St. (T&ES)
- C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City Council approval.

Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at [commercialrecycling@alexandriava.gov](mailto:commercialrecycling@alexandriava.gov), for information about completing this form.  
(T&ES)

### Code Administration

- F-1 The following comments are for SUP. Once the applicant has filed for a building permit and additional information has been provided, code requirements will be based upon that information and the building permit plans. If there are any questions, the applicant may contact Charles Cooper, Plan Review division at [Charles.cooper@alexandriava.gov](mailto:Charles.cooper@alexandriava.gov) or 703-746-4197.
- C-1 Building and trades permits are required for this proposed restaurant.
- C-2 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).

### Fire

- C-1 Applicant indicates that the seating total will be between 75 and 100 seats therefore, a fire prevention permit will be required for this occupancy condition – Assembly.

### Health

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. A permit shall be obtained prior to operation, and is not transferable between one individual or location to another.
- C-2 Plans shall be submitted to the Health Department through the Multi-Agency Permit Center. Plans shall be submitted and approved by the Health Department prior to construction. There is a \$200.00 plan review fee payable to the City of Alexandria.
- C-3 Plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food and Food Handling Code of the City of Alexandria. Plans shall include a menu of food items to be offered for service at the facility and specification sheets for all equipment used in the facility, including the hot water heater.
- C-4 Facilities engaging in the following processes may be required to submit a HACCP plan: Smoking as a form of food preservation; curing food; using food additives to render food not potentially-hazardous; vacuum packaging, cook-chill, or sous-vide; operating a molluscan shellfish life-support system; and sprouting seeds or beans.
- C-5 A Certified Food Manager shall be on-duty during all operating hours.

- C-6 The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.
- C-7 Wood flooring in eating areas shall be finished in a manner that is smooth, durable, easily-cleanable, and non-absorbent. In many cases, original wooden flooring in historical structures may not be suitable for food service facilities.

Police

No comments received

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2014-0076. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurants at 804 North Henry Street.

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Applicant – Signature

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Date

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Applicant – Printed

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Date